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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,616	10/20/2003	Drew James Van Norman	87358.2160	2584
7590 BAKER & HOSTETLER LLP Suite 1100 Washington Square 1050 Connecticut Avenue, N.W. WASHINGTON, DC 20036			EXAMINER BERTHEAUD, PETER JOHN	
			ART UNIT 3746	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/20/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,616	NORMAN ET AL.	
	Examiner	Art Unit	
	Peter J. Bertheaud	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6,9,10,14,17,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,7,8,11-13,15,16 and 18-24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6,9,10,14,17,25 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This office action is in response to the amendments of 1/30/2007. It is noted that claims 6, 10, and 14 have been amended, claims 7, 8, 15, and 16 have been canceled, claims 1-5, 11-13, and 18-24 have been withdrawn, and claims 25 and 26 have been added. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 6, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071.

Veyrat discloses a motor and vane-pump assembly comprising a motor/drive assembly having an output shaft 48; a pump assembly having an input shaft 51 matable with the motor/gear box assembly output shaft 48; and an adapter 40, or aligning means, rigidly coupled between the motor/drive assembly and the pump assembly and having a bore therethrough to permit at least one of the output shaft and the input shaft to pass therethrough (see configuration of shaft 51 in Fig. 3); and a base, or supporting means, rigidly coupled to the adapter body 40 that supports the adapter body wherein

the base is coupled, and could be rigidly coupled, to the pump assembly and the adaptor body only (see configuration in Fig. 3, particularly how the pump assembly on the right rests on the base, and how the base does not contact the motor). Veyrat further discloses that the adapter 40 is a unitary part.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to couple both, and only, the adaptor and the pump assembly to the base because Applicant has not disclosed that the arrangement or disposition of these elements provides an advantage, is used for a particular purpose, or solves a stated problem. Applicant has merely stated that "the motor gear box assembly is not directly connected to the base...but rather has a clearance and is supported solely by its connection with the alignment adaptor" which is seen in the prior art above. Therefore, it has been held that mere rearrangement of the essential working parts of a device involves only routine skill in the art. *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (see MPEP 2144.04, VI. C. – Rearrangement of Parts).

4. Claims 10, 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veyrat 4,797,071, in view of Oehman, Jr. 6,764,284, and in further view of Eberhardt 4,786,239.

Veyrat discloses the invention as discussed above. However, Veyrat does not teach the following claimed limitations taught by Oehman, Jr.

Oehman, Jr. discloses a pump mount assembly comprising: driving means 11 having an output shaft 26; pumping means 14 having an input shaft 42 matable with the

driving means output shaft; and an adapter or aligning means 57 rigidly coupled between the driving means and the pumping means for aligning the driving means and the pumping means, and having a bore therethrough to permit at least one of the output shaft and the input shaft to pass therethrough (see Figs. 3 and 4). Oehman, Jr. also discloses that the adapter is a unitary part (see 57 in Fig. 4). Oehman, Jr. further discloses a first face having a counterbore (see counterbore in 57 in Fig. 4); and a bore extending from the front face to a second face through the adapter or aligning means 57 to permit a shaft to pass through between the pumping means and the driving means (see Fig. 3).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump mount assembly of Veyrat, by implementing a counterbore in the first face, as well as a bore extending from the front face to a second face in order to create a mechanically-sealed interface between the motor and the pump (Oehman Jr., col. 4, lines 13-18).

Veyrat in view of Oehman, Jr. disclose the invention as discussed above. However, Veyrat in view of Oehmann Jr. does not teach that the second face has at least two mounting holes that receive shoulder screws threadable into the pumping means.

Eberhardt teaches pumping system including a motor 10, a pump 12, and a pump drive shaft 24 coupled to a motor output shaft 11. Eberhardt further teaches an adaptor or aligning means (see part directly to the left of the pump 12) defined by a first face having a counterbore and second face having at least two mounting holes that receive shoulder screws threadable into the pumping means (see Figs. 1 and 2

particularly screws that connect the adapter to 12). Eberhardt also teaches that the second face comprises a registration feature (see annular protrusion extending into 12, from the adaptor's second face, directly inside the screws) that permits registration with the pump assembly. Eberhardt teaches that this would be advantageous because the adapter supports the fuel supply for the motor and therefore needs a tightly sealed connection between the motor and the pump.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump mount assembly of Veyrat in view of Oehman, by modifying the second face of the adapter to have at least two mounting holes that receive shoulder screws threadable into the pumping means, as taught by Eberhardt, in order to provide a support for the fuel supply for the motor and to seal the connection between the motor and the pump (see col. 2, lines 54-57).

Response to Arguments

5. Applicant's arguments filed 1/30/2007 have been fully considered but they are not persuasive. The arguments are addressed in the rejection as set forth to claims 6, 9, and 14 above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3746

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PJB

4/13/07



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